

REMARKS

Claims 1-70 are pending in the application. Claims 2-4, 55, and 57 have been amended. No new matter has been introduced by the amendment.

Amended Claims

Claims 2-4, 55, and 57 have been amended to correct inadvertent typographical errors. In particular, claims 2-4 have been amended to correct the spelling of the word "maltodextrin." Claim 55 has been amended to replace the term "composition" with the term "method." Also, claim 57 has been amended to change its dependency from claim 6 to claim 46.

Response To Restriction Requirement

In the Office Action dated the applicants' claims were divided into 4 Groups. Group I includes claims 1-41, Group II includes claims 42-61, Group III includes claims 62-69, and Group IV includes claim 70. The applicants hereby provisionally elect the claims of Group I, claims 1-41. The restriction requirement, however, is traversed and the applicants respectfully request that the restriction requirement be withdrawn.

The Office Action states restriction is justified because the claims of Groups I:II and I:V are patentably indistinct. (Office Action, pg. 2). These Groups have been identifies as related to a product and a process of using the product. At a minimum, MPEP 806.05(h) requires examples to support restriction. The examples set forth in the Office Action, however, do not support the requirement for restriction. The pending claims recite an edible film and a process for making and using an edible film. The applicants respectfully assert that floss, toothpaste, and mouthwash are distinct from an edible film. Therefore, the examples do not represent materially different products with respect to the applicants' claims.

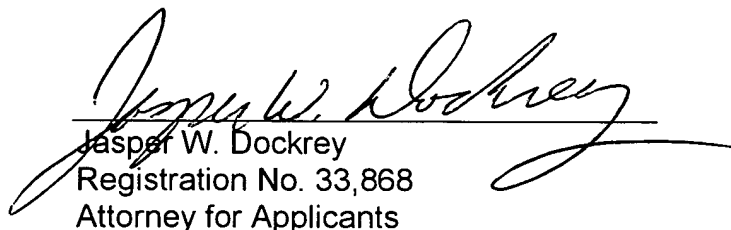
The Office Action further states that the claims of Groups I and III are related as a process of making and a product made. The Office Action states that restriction is justified because edible films can be made with green tea extract. At a minimum MPEP 806.05(f) requires examples to support restriction. The applicants respectfully assert

that the example provided in the Office Action does not support the restriction requirement. The applicants' claims are directed to a process of making a product and to a product in which the antimicrobial agent comprises Magnolia Bark Extract. While the claims do not exclude green tea, the claims all identify Magnolia Bark Extract as the antimicrobial agent.

The Office Action also states that restriction of the claims in Groups II:III, II:IV, and III:IV is justified because they allegedly fall into different classifications. The Code of Federal Regulations conditions a restriction requirement on the presence of two or more independent *and* distinct inventions. 37 C.F.R. § 1.142. The Office Action does not provide support for asserting that the alleged separate inventions are independent, yet this is clearly a requirement of Rule 142. The applicants assert that all of their pending claims are not independent at least because all of their pending claims relate to an edible film that includes an antimicrobial agent comprising Magnolia Bark Extract.

The applicants provisionally elect the claims of Group I for prosecution. The restriction requirement is, however, traversed and withdrawal of the instant restriction requirement is requested.

Respectfully submitted,


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